

Congressman Ron Paul U.S. House of Representatives July 26, 2002 Statement on Homeland Security Vote

MR. PAUL: Mr. Speaker, I do not oppose this rule because I would like to consider this important issue, but I am very concerned with the process of bringing this legislation before this body.

Mr. Speaker, since we began looking at proposals here in the House of Representatives, more questions have arisen than have been answered. We have put this legislation on a "fast track" to passage, primarily for reasons of public relations, and hence have short-circuited the deliberative process. It has been argued that the reason for haste is the seriousness of the issue, but frankly I have always held that the more serious the issue is, the more deliberative we here ought to be.

Instead of a carefully-crafted product of meaningful deliberations, I fear we are once again about to pass a hastily-drafted bill in order to appear that we are "doing something." Over the past several months, Congress has passed a number of hastily crafted measures that do little, if anything, to enhance the security of the American people. Instead, these measures grow the size of the federal government, erode constitutional liberties, and endanger our economy by increasing the federal deficit and raiding the social security trust fund. The American people would be better served if we gave the question of how to enhance security from international terrorism the serious consideration it deserves rather than blindly expanding the federal government. Congress should also consider whether our hyper-interventionist foreign policy really benefits the American people.

Serious and substantive questions about this reorganization have been raised. Many of these questions have yet to be resolved. Just because a bill has been reported from the Select Committee does not mean that a consensus exists. Indeed, even a couple of days before consideration, this bill it was impossible to get access to the legislation in the form introduced in the committee, let alone as amended by the committee.

In the course of just one week, the President's original 52-page proposal swelled to 232 pages, with most members, including myself, unable to review the greatly expanded bill. While I know that some of those additions are positive, such as Mr. Arme's amendments to protect the

privacy of American citizens, it is impossible to fully explore the implications of this, the largest departmental reorganization in the history of our federal government, without sufficient time to review the bill. This is especially the case in light of the fact that a number of the recommendations of the standing committees were not incorporated in the legislation, thus limiting our ability to understand how our constituents will be affected by this legislation.

I have attempted to be a constructive part of this very important process. From my seat on the House International Relations Committee I introduced amendments that would do something concrete to better secure our homeland. Unfortunately, my amendments were not adopted in the form I offered them. Why? Was it because they did not deal substantively with the issues at hand? Was it because they addressed concerns other than those this new department should address? No, amazingly I was told that my amendments were too "substantive." My amendments would have made it impossible for more people similar to those who hijacked those aircraft to get into our country. They would have denied certain visas and identified Saudi Arabia as a key problem in our attempt to deal with terrorism. Those ideas were deemed too controversial, so they are not included in this bill.

I also introduced four amendments to the bill itself, including those that would prohibit a national identification card, that would prohibit the secretary of this new department from moving money to other agencies and departments without Congressional oversight, that would deny student visas to nationals of Saudi Arabia, and that would deny student and diversity visas to nationals from terrorist-sponsoring countries. All of these amendments, which would have addressed some of the real issues of our security, were rejected. They were not even allowed onto the floor for a debate. This is yet more evidence of the failure of this process.

Mr. Speaker, the move to create a federal Department of Homeland Security was initiated in response to the terrorist attacks of September 11 and subsequent revelations regarding bureaucratic bungling and ineptness related to those attacks. Leaving aside other policy initiatives that may be more successful in reducing the threat of future terror attacks, I believe the President was well-intentioned in suggesting that a streamlining of functions might be helpful.

Mr. Speaker, as many commentators have pointed out, the creation of this new department represents the largest reorganization of federal agencies since the creation of the Department of Defense in 1947. Unfortunately, the process by which we are creating this new department bears little resemblance to the process by which the Defense Department was created. Congress began hearings on the proposed department of defense in 1945 -- two years before President Truman signed legislation creating the new Department into law! Despite the lengthy

deliberative process through which Congress created the new department, turf battles and logistical problems continued to bedevil the military establishment, requiring several corrective pieces of legislation. In fact, Mr. Speaker, the Goldwater-Nicholas Department of Defense Reorganization Act of 1986 (PL 99-433) was passed to deal with problems steaming from the 1947 law! The experience with the Department of Defense certainly suggests the importance of a more deliberative process in the creation of this new agency.

This current proposed legislation suggests that merging 22 government agencies and departments -- comprising nearly 200,000 federal employees -- into one department will address our current vulnerabilities. I do not see how this can be the case. If we are presently under terrorist threat, it seems to me that turning 22 agencies upside down, sparking scores of turf wars and creating massive logistical and technological headaches - does anyone really believe that even simple things like computer and telephone networks will be up and running in the short term? -- is hardly the way to maintain the readiness and focus necessary to defend the United States. What about vulnerabilities while Americans wait for this massive new bureaucracy to begin functioning as a whole even to the levels at which its component parts were functioning before this legislation was taken up? Is this a risk we can afford to take? Also, isn't it a bit ironic that in the name of "homeland security" we seem to be consolidating everything except the government agencies most critical to the defense of the United States: the multitude of intelligence agencies that make up the Intelligence Community?

Mr. Speaker, I come from a Coastal District in Texas. The Coast Guard and its mission are important to us. The chairman of the committee of jurisdiction over the Coast Guard has expressed strong reservations about the plan to move the Coast Guard into the new department. Recently my district was hit by the flooding in Texas, and we relied upon the Federal Emergency Management Agency (FEMA) to again provide certain services. Additionally, as a district close to our border, much of the casework performed in my district offices relates to requests made to the Immigration and Naturalization Service. There has been a difference of opinion between committees of jurisdiction and the administration in regard to all these functions. In fact, the President's proposal was amended in no fewer than a half dozen of the dozen committees to which it was originally referred.

My coastal district also relies heavily on shipping. Our ports are essential for international trade and commerce. Last year, over one million tons of goods was moved through just one of the Ports in my district! However, questions remain about how the mission of the Customs Service will be changed by this new department. These are significant issues to my constituents, and may well affect their very livelihoods. For me to vote for this bill would amount to giving my personal assurance that the creation of this new department will not adversely impact the fashion in which the Coast Guard and Customs Service provide the services which my constituents have come to rely upon. Based on the expedited process we have followed with

this legislation, I do not believe I can give such an assurance.

We have also received a Congressional Budget Office (CBO) cost estimate suggesting that it will cost no less than \$3 billion just to implement this new department. That is \$3 billion dollars that could be spent to capture those responsible for the attacks of September 11 or to provide tax-relief to the families of the victims of that attack. It is three billion dollars that could perhaps be better spent protecting against future attacks, or even simply to meet the fiscal needs of our government. Since those attacks this Congress has gone on a massive spending spree. Spending three billion additional dollars now, simply to rearrange offices and command structures, is not a wise move. In fact, Congress is actually jeopardizing the security of millions of Americans by raiding the social security trust fund to rearrange deck chairs and give big spenders yet another department on which to lavish pork-barrel spending. The way the costs of this department have skyrocketed before the Department is even open for business leads me to fear that this will become yet another justification for Congress to raid the social security trust fund in order to finance pork-barrel spending. This is especially true in light of the fact that so many questions remain regarding the ultimate effect of these structural changes. Moreover, this legislation will give the Executive Branch the authority to spend money appropriated by Congress in ways Congress has not authorized. This clearly erodes Constitutionally-mandated Congressional prerogatives relative to control of federal spending.

Recently the House passed a bill allowing for the arming of pilots. This was necessary because the Transportation Security Administration (TSA) simply ignored legislation we had passed previously. TSA is, of course, a key component of this new department. Do we really want to grant authority over appropriations to a Department containing an agency that has so brazenly ignored the will of Congress as recently as has the TSA?

In fact, there has been a constant refusal of the bureaucracy to recognize that one of the best ways to enhance security is to legalize the second amendment and allow private property owners to defend their property. Instead, the security services are federalized. The airlines are bailed out and given guaranteed insurance against all threats. We have made the airline industry a public utility that gets to keep its profits and pass on its losses to the taxpayers, like Amtrak and the post office. Instead of more ownership responsibility, we get more government controls. I am reluctant, to say the least, to give any new powers to bureaucrats who refuse to recognize the vital role free citizens exercising their second amendment rights play in homeland security.

Mr. Speaker, government reorganizations, though generally seen as benign, can have a deleterious affect not just on the functioning of government but on our safety and liberty as well.

The concentration and centralization of authority that may result from today's efforts should give us all reason for pause. But the current process does not allow for pause. Indeed, it militates toward rushing decisions without regard to consequence. Furthermore, this particular reorganization, in an attempt to provide broad leeway for the new department, undermines our Congressional oversight function. Abrogating our Constitutionally-mandated responsibilities so hastily now also means that future administrations will find it much easier to abuse the powers of this new department to violate constitutional liberties.

Perhaps a streamlined, reconfigured federal government with a more clearly defined and limited mission focused on protecting citizens and their freedoms could result from this reorganization, but right now it seems far more likely that the opposite will occur. That is why I must oppose creation of this new department.

Until we deal with the substance of the problem -- serious issues of American foreign policy about which I have spoken out for years, and important concerns with our immigration policy in light of the current environment -- attempts such as we undertake today at improved homeland security will amount to, more or less, rearranging deck chairs -- or perhaps more accurately office chairs in various bureaucracies. Until we are prepared to have serious and frank discussions of policy this body will not improve the security of American citizens and their property. I stand ready to have that debate, but unfortunately this bill does nothing to begin the debate and nothing substantive to protect us. At best it will provide an illusion of security, and at worst these unanswered questions will be resolved by the realization that entities such as the Customs Service, Coast Guard and INS will be less effective, less efficient, more intrusive and mired in more bureaucratic red tape. Therefore, we should not pass this bill today.